

N.D.N.Y.  
09-cv-18  
Kahn, J.

# MANDATE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 11<sup>th</sup> day of May, two thousand twelve.

Present:

Guido Calabresi,  
Robert D. Sack,  
Reena Raggi,  
*Circuit Judges.*

Heidi Seekamp, On Behalf of Herself and All Others  
Similarly Situated,

*Plaintiff-Respondent,*

v.

12-1166-mv

It's Huge, Inc., *et al.*,

*Defendants-Cross Claimants-Petitioners,*

Universal Automotive Services, Inc.,

*Defendant-Cross Defendant-Petitioner,*

Fuccillo Lincoln Mercury Hyundai, Inc., *et al.*,

*Defendants-Cross Claimants-Petitioners.*

Petitioners, through counsel, move pursuant to Fed. R. Civ. P. 23(f), for leave to appeal the district court's order granting Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001). Our denial of the Rule 23(f) motion is without prejudice to defendants' raising their subject-matter jurisdiction arguments before the district court on remand. *See* Fed. R. Civ. P. 12(h)(3).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 



MANDATE ISSUED ON 05/11/2012